

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

March 17, 2011

A meeting of the Board of Environmental Protection was held on Thursday, March 17, 2011, at the Civic Center, Augusta, Maine. Susan M. Lessard, Chair, called the meeting to order at 09:00 a.m. with the following individuals present:

Board: Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Susan M. Lessard, and P. Andrews Nixon

Absent Matt Scott, Paul Paydos, Frank Woodard and Lissa Widoff were absent.

Staff: Jamie Tansey, Bureau of Remediation and Waste Management
Bryce Sproul, Bureau of Air Quality
Marc Cone, Bureau of Air Quality

Others: Darryl Brown, Commissioner
Cynthia S. Bertocci, BEP Executive Analyst
Mary Sauer, Assistant Attorney General
Terry Dawson, BEP Administrative Assistant

(Meeting adjourned at approximately 11:30 a.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS:

Commissioner Brown announced the appointment of Ron Dyer as the Director of the Bureau of Remediation and Waste Management, noting that Ron's first day on the job will be March 28th.

B. COMMENTS FROM THE BEP CHAIR: Ms. Lessard and Ms. Bertocci, the Board's Executive Analyst, attended the February 14th public hearing concerning LD1 and noted that the Committee has asked them to return during the work session to answer questions related to Board processes. A work session has been scheduled for this afternoon.

C. EXECUTIVE ANALYST COMMENTS: None

D. BOARD CALENDAR: Reviewed

E. DEPARTMENTAL ORDERS/ APPLICATIONS ACCEPTED FOR PROCESSING: Reviewed.

F. EXECUTIVE SESSION: None

II. CONSENT AGENDA ITEMS:

The Board voted (5-0-1-4) to approve consent agenda item 1 as presented.

The vote was taken pursuant to 38 M.R.S. A. §341-D.

Board members M. Wing Goodale, Richard Gould, Don Guimond, Susan M. Lessard, and P. Andrews Nixon voted to support the motion. Board member Elizabeth Ehrenfeld voted to abstain. Board members Paul Paydos, Matt Scott, Lissa Widoff and Frank Woodard were absent.

1. BEP MINUTES – December 16, 2010 (approval)

The Board voted (6-0-0-4) to approve consent agenda item 2 as presented.

The vote was taken pursuant to 38 M.R.S. A. §341-D.

Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Susan M. Lessard, and P. Andrews Nixon voted to support the motion. Board members Paul Paydos, Matt Scott, Lissa Widoff and Frank Woodard were absent.

2. BEP MINUTES – January 6, 2011 (approval)

The Board voted (4-0-2-4) to approve consent agenda item 3 as presented.

The vote was taken pursuant to 38 M.R.S. A. §341-D.

Board members Elizabeth Ehrenfeld, Don Guimond, Susan M. Lessard, and P. Andrews Nixon voted to support the motion. Board members M. Wing Goodale and Richard Gould abstained. Board members Paul Paydos, Matt Scott, Lissa Widoff and Frank Woodard were absent.

3. BEP MINUTES – February 3, 2011 (approval)

The Board voted (6-0-0-4) to approve consent agenda items 4 and 5 as presented.

The vote was taken pursuant to 38 M.R.S. A. §341-D(6).

Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Susan M. Lessard, and P. Andrews Nixon voted to support the motion. Board members Paul Paydos, Matt Scott, Lissa Widoff and Frank Woodard were absent.

4. KEVIN BARBEE, Sullivan – Administrative Consent Agreement (BLWQ – Land)
5. GERARD GOODWIN, Franklin – Administrative Consent Agreement (BLWQ – Land)

I. REGULAR AGENDA

1. CHAPTER 425, ASBESTOS MANAGEMENT REGULATIONS / AMENDMENT (adoption)

Staff: Jamie Tansey, Bureau of Remediation and Waste Management

The Board voted (6-0-0-4) to adopt amendments to Chapter 425 Asbestos Management Regulations. The amendments update the rule to reflect statutory changes, clarify certain definitions and requirements, integrate changes to standard industry practices, and promote the use of “risk-based” standards in areas of greater risk for exposure. The vote also approved the minor corrections contained in the basis statement as presented at the meeting.

The vote was taken pursuant to 38 M.R.S.A. §341-D(1-B), Chapter 12-A and §§1273, 1274-A, 1275, 1278, and 1280.

Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Susan Lessard and P. Andrews Nixon voted to support the motion. Board members Paul Paydos, Matt Scott, Lissa Widoff and Frank Woodard were absent.

2. BERWICK IRON & METAL RECYCLING, INC. – AIR EMISSIONS PERMIT DEPARTMENT ORDER A-001041-71-A-N (appeal and request for a public hearing submitted by Jeanette & Doug Seivwright, Robert & Donna Duffy, Tom & Carol Planche and Joyce & Raymond Provencher)

Staff: Bryce Sproul, Bureau of Air Quality

The Board voted (6-0-0-4) to deny the appeal and request for public hearing submitted by Jeanette & Doug Seivwright, Robert & Donna Duffy, Tom & Carol Planche and Joyce & Raymond Provencher regarding the Commissioner’s approval of an air emissions license for the construction and operation of a 3600 horsepower diesel powered shredder at the Berwick facility. The vote affirms the Commissioner’s decision to grant a minor air emissions permit (A-001041-71-A-N) and approved the draft proposed Board Order as presented.

The vote was taken pursuant to 38 M.R.S.A. §341-D(4), and §590, 06-096 CMR Chapters 115 and Chapter 2.

Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Susan Lessard and P. Andrews Nixon voted to support the motion. Board members Paul Paydos, Matt Scott, Lissa Widoff and Frank Woodard were absent.

Next Regular Meeting – Thursday, April 21, 2010 – Civic Center, Augusta